

**David Shapiro**



**From:** David Shapiro  
**Sent:** Wednesday, November 12, 2014 4:28 PM  
**To:** 'donald.white@state.ma.us'  
**Cc:** Francis Wright; Susan Tkaczuk  
**Subject:** SPR14/626 -- Boston Globe Public Records Request

Dear Mr. White,

I write to provide an additional submission on behalf of the City of Somerville in the above referenced matter.

The names and addresses of Massachusetts drivers is not readily available in other sources. The voter lists and property tax information do not necessarily contain the names of all drivers. It is conceivable that residents wishing to maintain privacy may not register to vote, and may not purchase property. These residents should not be compelled to waive their privacy rights protected by federal law, merely because they own a vehicle and would like to obtain a motor vehicle related parking permit.

The closest case I have seen is *Atlas Transit v. Korte*, 21 WI App. 286 (2001), cited in prior Supervisor of Public Records decisions. That case stands for the key propositions that: 1) the DPPA does not expressly prohibit the release of the driver information and 2) the public has the right to know the names of individuals who are driving their children to and from school, when balancing the public and private interests of those involved. In *Atlas*, the Court said that "it would appear clear that safe and well administered transportation to and from our public schools is of importance...." and "the public's confidence in the school system and the public's interests in the safety of its children are implicated in this open records request."

The City of Somerville concedes that the statute does not expressly prohibit the release of the driver information. However, the rationale of *Atlas* does not apply to private residents who simply would like to obtain a resident permit.

I look forward to receiving the decision of the Supervisor of Public Records.

David Shapiro

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